REMARKS

The Examiner has rejected Claims 1, 7, 9, 10, 12, and 16 under 35 U.S.C. 103(a)
as being unpatentable over Uppaluru (U.S. Patent No. 6,400,806 B1), in view of Tsumpes
(U.S. Patent No. 6,442,241 B1). Applicant respectfully disagrees with such rejection,
especially in view of the amendments made hereinabove to the independent claims.
Specifically, applicant has amended the independent claims to at least substantially
include the subject matter of former dependent Claim 22.

With respect to the independent Claims 1 and 16, the Examiner has relied on Col.
2, lines 33-50; Col. 3, lines 5-46; Col. 10, lines 24-29; and Col. 12, lines 18-26 from
Tsumpes (a portion of which is cited below) to make a prior art showing of applicant's
claimed technique "wherein the at least one alarm is managed including integrating the at
least one alarm with a helpdesk system" (see this or similar, but not necessarily identical
language in the independent claims).

"This need is addressed and a technological advance is
achieved by the present automated parallel and redundant
subscriber contact and event notification system and method
which is distinguished over the prior art in general by an
automated parallel and redundant subscriber contact and
notification system capable of being triggered by the change
in status of any sensing device or process including the
sensor of an alarm system or other event. The system enables
automated simultaneous contact of one or more persons over
a plurality of telephonic and electronic communication
channels and provides parallel event-specific notification via
voice, pager, voice mail, fax and email to the recipient(s)
that are identified by electronic or speech recognized entry
of a PIN and then provides them with a detailed message
including the date and time of a specific event which has
occurred or failed to occur with respect to a monitored
sensor. A telephone switching or conferencing feature allows"
(Col. 2, lines 33-50 – emphasis added)

"It is another object of this invention to provide an auto-
mated parallel and redundant subscriber contact and event
notification system which will allow the system subscriber
himself to preprogram and control the operations of the
systems and to control the manner in which he wished to
receive the event specific notification services including the
desired communications channels, hours of operation, vaca-
tion scheduling and the pre-programmed responses which

the system will take in response to many an unlimited
different types of events." (Col. 3, lines 5-14 - emphasis added)

Applicant respectfully asserts that the excerpts from Tsumpes relied upon by the
Examiner merely teach that the system "provides [one or more persons] with a detailed
message including the date and time of a specific event which has occurred or failed to
occur with respect to a monitored sensor" and that the "system subscriber" is able to
"preprogram and control the operations of the systems." However, the excerpts from
Tsumpes relied upon by the Examiner make absolutely no mention of any sort of alarm
management "wherein the at least one alarm is managed including integrating the at least
one alarm with a helpdesk system" (emphasis added), as claimed by applicant.

To establish a *prima facie* case of obviousness, three basic criteria must be met.
First, there must be some suggestion or motivation, either in the references themselves or
in the knowledge generally available to one of ordinary skill in the art, to modify the
reference or to combine reference teachings. Second, there must be a reasonable
expectation of success. Finally, the prior art reference (or references when combined)
must teach or suggest all the claim limitations. The teaching or suggestion to make the
claimed combination and the reasonable expectation of success must both be found in the
prior art and not based on applicant's disclosure. *In re Vaeck*,947 F.2d 488, 20 USPQ2d
1438 (Fed.Cir.1991).

Applicant respectfully asserts that at least the third element of the *prima facie*
case of obviousness has not been met, since the prior art references, when combined, fail
to teach or suggest all of the claim limitations, as noted above. Nevertheless, despite
such paramount deficiencies and in the spirit of expediting the prosecution of the present
application, applicant has incorporated the subject matter of former Claim 22 into
independent Claims 1 and 16. It should be noted that the subject matter of Claim 22 is
already present in Claim 20.

With respect to such subject matter of Claim 20 and 22 (now incorporated into
independent Claims 1 and 16), the Examiner has rejected the same under 35 U.S.C.

103(a) as being unpatentable over Uppaluru, in view of Tsumpes, and further in view of Wookey et al. (U.S. Patent No. 6,154,128). With respect to independent Claim 20, and the subject matter of former Claim 22, the Examiner has relied on Col. 1, lines 35 to 63; Col. 5, lines 43 to 45; and Col. 14, lines 21 to 50 from Wookey to make a prior art showing of applicant's claimed technique "wherein a performance monitor provides a number of users simultaneously using at least one of the applications and an uptime of the speech recognition portal" (see this or similar, but not necessarily identical language in the independent claims).

In particular, applicant respectfully asserts that such excerpts only disclose an "uptime test" that provides "[l]ocal uptime and load averaging" (emphasis added) of a monitored computer system. However, Wookey makes absolutely no disclosure of any sort of "performance monitor [which] provides… an uptime of the speech recognition portal" (emphasis added), as claimed by applicant. In addition, Wookey makes absolutely no disclosure of a "performance monitor [which] provides a number of users simultaneously using at least one of the applications" (emphasis added), as claimed by applicant.

Applicant further notes that the prior art is also deficient with respect to the dependent claims. For example, with respect to Claim 9, the Examiner has relied on the following excerpt from Uppaluru to make a prior art showing of applicant's claimed technique "wherein the one or more aspects of the speech recognition portal are dynamically configured based on a credit card account number of the user."

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"Referring now again to FIG. 3, personal attributes and
preferences page 308 includes subscriber attribute informa-
tion including name, account number, address, voice tele-
phone number, fax telephone number, paging telephone
number, encrypted credit card numbers and the like as well
as personal preference information such as configuration,
selection and presentation preferences. Personal attributes
and preferences page 308 is also linked to hierarchy of
attribute and preferences pages (shown in FIG. 5) that
correspond to the hierarchy of personal voice web 300."
(Col. 13, lines 30-40 - emphasis added)
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Applicant respectfully asserts that the excerpt relied upon by the Examiner simply teaches that the "personal attributes and preferences page 308 includes subscriber attribute information including…encrypted credit card numbers" and in no way even suggests dynamically configuring "one or more aspects of the speech recognition portal … based on a credit card account number of the user" (emphasis added), as claimed by applicant.

Additionally, with respect to dependent Claim 12, the Examiner has relied on the following excerpt from Uppaluru to make a prior art showing of applicant's claimed "dynamically configuring one or more back end processes in communication with the speech recognition portal via the network."

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"corresponding agent. The query form is an HVML form for
touch tone and voice data input. When a service is requested
by the subscriber, the agent retrieves the corresponding
voice web attributes and preferences page and automatically
fills the query form with appropriate default parameters
obtained from the subscriber's attributes and preferences.
For example if the subscriber is accessing the weather
service page, the agent fills in the subscriber's home town
and other chosen cities automatically from the subscriber's
attributes and preferences page. Similarly, if the subscriber"
(Col. 19, lines 13-22 - emphasis added)
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Applicant respectfully asserts that the excerpt relied upon by the Examiner merely teaches that "the agent…automatically fills the query form with…default parameters obtained from the subscriber's attributes and preferences." However, the excerpt from Uppaluru relied upon by the Examiner makes absolutely no mention of "dynamically configuring one or more back end processes" (emphasis added), as claimed by applicant.

With respect to the subject matter of dependent Claim 13, the Examiner has rejected the same under 35 U.S.C. 103(a) as being unpatentable over Uppaluru, in view of Tsumpes, and further in view of Woods et al. (U.S. Patent No. 6,510,417 B1). Specifically, the Examiner has relied Col. 7, lines 19 to 29; and Col. 9, lines 15 to 21 from Woods to make a prior art showing of applicant's claimed technique "wherein information about a gender of the user is ascertained from the utterances, and wherein the

one or more aspects of the speech recognition portal are dynamically configured based on the ascertained gender of the user."

Applicant respectfully asserts that the excerpts relied upon by the Examiner simply teach that the "customer management subsystem…provides reporting on session and transaction <u>history</u> by different <u>demographic</u> segment" and the "advertisement to play [is] based on the <u>user, session, location, content</u> and <u>item</u> being explored" (emphasis added). Clearly, Woods' general disclosure of targeting advertisements for particular users in conjunction with providing a "transaction history by different demographic segment[s]" fails to even suggest "information about a gender of the user" that is used to <u>dynamically configure</u> "one or more aspects of the speech recognition portal" (emphasis added), as claimed by applicant.

Again, applicant respectfully asserts that at least the third element of the *prima facie* case of obviousness has not been met, since the prior art references, when combined, fail to teach or suggest <u>all</u> of the claim limitations, as noted above. Thus, a notice of allowance or specific prior art showing of each of the foregoing claim elements, in combination with the remaining claimed features, is respectfully requested.

To this end, all of the independent claims are deemed allowable. Moreover, the remaining dependent claims are further deemed allowable, in view of their dependence on such independent claims.

In the event a telephone conversation would expedite the prosecution of this application, the Examiner may reach the undersigned at (408) 505-5100. The

Commissioner is authorized to charge any additional fees or credit any overpayment to Deposit Account No. 50-1351 (Order No. BVOCP011).

Respectfully submitted,
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